



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON MANNHEIM
UNIT 29901
APO AE 09086-9901

AUG 23 2007

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Garrison Mannheim Command Policy #61, Family Member and Civilian Misconduct

1. References.

- a. USAREUR Regulation 27-9, Misconduct by Civilians.
- b. USAREUR Regulation 190-1, License to Operate and Registration of Privately Owned Vehicles.

2. Purpose. To implement and enforce a United States Army Garrison (USAG) Mannheim Community wide policy designed to ensure the general welfare, morale, safety and good order of family members and civilians.

3. Applicability. This policy applies to all individuals, not on active military duty, who receive individual logistic support from the U.S. Forces, including:

- a. Appropriated and non-appropriated-fund DOD civilian employees, their family members, and members of their households
- b. Family members of US military members
- c. Members of households of US military personnel
- d. U.S. military retirees and their family members
- e. Employees of Government contractors and their family members
- f. Government consular and diplomatic personnel and their family members

4. Misconduct Jurisdiction. Host nation authorities have criminal jurisdiction over U.S. civilians and family members. This applies to misconduct occurring on and off the military installations. The local German Prosecutor will determine how to handle cases of criminal

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misconduct. For minor offenses committed by juveniles (ages up to 18 years if still enrolled in High School), the German Prosecutor will permit the Family Member Action Office (FMAO) to initially adjudicate the case and forward the results to their office. The German prosecutor will then make a final determination on the case. In the majority of cases, where the juvenile has complied with measures taken by FMAO and the Garrison Commander, the German Prosecutor will close the case and take no further action. For more serious offenses committed by juveniles, the German authorities will take immediate action, which may include incarceration of the juvenile in a German prison facility.

5. Reporting Procedures. In all cases where the military police are involved or adult misconduct occurs, an incident report is automatically forwarded to the German Police and subsequently to the German Prosecutor's Office. All incidents, whether committed by adults or juveniles, are reported to the Family Member Action Office.

6. Processing. All incidents of misconduct are processed under the guidelines stipulated in USAREUR Regulation 27-9. On receipt of a misconduct report, the Family Member Action Officer will contact the sponsor of the offender, whether juvenile or adult, and conduct an informal hearing. The hearing will review the circumstances of the misconduct, gather any additional information the offender or sponsor would like to have considered, and discuss appropriate measures, both punitive and rehabilitative.

7. Punitive Action. When determining final disposition of a case, the German authorities will take into consideration any action taken by the Garrison Commander in response to the misconduct offenses. In many cases, the German authorities will deem the action taken by the Garrison Commander as sufficient and will pursue no further action, except for an additional monetary fine for adults which is quite common. However, the German authorities may prosecute offenders through their court system. The type of action taken by the Garrison Commander will depend on the nature of the misconduct; it may include revocation of logistical support privileges, a bar from specific military facilities or installations and community service. In serious cases of misconduct, the decision may be taken to command direct the offender's return to CONUS. These actions are always coordinated with the German authorities. Under certain circumstances, German authorities, upon request, may detain the offender in a German confinement facility until returned to the United States.

8. Rehabilitation. There are a number of agencies within the community that offer counseling for adults, youths, and families. The Family Member Action Office will provide guidance in this area, and depending on the nature of the misconduct and the circumstances surrounding it, individuals may be directed to agencies within the community to receive counseling. In certain cases, attendance and completion of counseling may be a requirement for the offender to remain in country.

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9. Community Service Program.

a. Community service is one of the most effective tools in response to misconduct. It allows the offender to demonstrate his or her willingness to accept responsibility for what they have done, as well as give something back to the community in the form of volunteer work. Community service is widely recognized by the German court system, particularly in response to juvenile misconduct.

b. Community service is generally performed on Saturdays, between the hours of 0900 and 1500. Individuals performing community service will receive an assigned work detail from the Family Member Action Officer. Types of community service may include policing designated areas within the community and distributing community information flyers within the BFV housing area. Sponsors must accompany juveniles performing community service. The Sponsor is responsible for physical supervision and ensuring the detail is performed in an appropriate and timely manner. Community service may be performed at alternate times and locations if the sponsor and offender have legitimate conflicts. The type of misconduct committed and circumstances involved will affect the amount of community service assessed.

10. The proponent of this policy memorandum is the Family Member Action Officer, DSN 385-2347/CIV 0621-730-2347.


JEFFREY DLETCHER
LTC, AG
Commanding

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